

The PRESIDING OFFICER. The Senator from Maryland.

ORDER OF PROCEDURE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the time from 5 o'clock to 5:30 today be a period of morning business and that that time be under my control or, in my absence, the control of the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Ms. MIKULSKI. Mr. President, I will put on a different hat. I was talking about appropriations. Now I will talk about a drama that is unfolding in the Senate which is the confirmation hearings on Judge John Roberts to go to the Supreme Court and to be the Chief Justice. I rise today to talk about this nomination because this is a decision of enormous consequence. One of the most significant and far-reaching votes a Senator can make relates to the Supreme Court. Why? Because it is irrevocable. When you vote for a Supreme Court Justice, that Justice has a lifetime appointment. Unless there is an impeachment, which is rare, it is forever.

The hearings are incredibly important, they provide the Senate and the American public with the opportunity to know more about where the nominee stands on core constitutional principles. I urge Judge Roberts to answer the questions that the Committee asks of him.

But equally important is completing the picture. The Senate should have access to the full record of the nominee who is going into the hearings. We need to know more about Judge Roberts. We have all met him. We find him personable. We find him smart. We find him capable. But we wonder, what is his judicial philosophy. What will he be like, not only as a member of Court but now as the Chief Justice. Look back to the record, not only the resume but to the record.

This is why I am joining with a group of other Senators to urge the White House to release documents on 16 cases argued by the Solicitor General when Judge Roberts was the Principal Deputy Solicitor General. You might ask: Why do you need to know this? This is when then Mr. Roberts played a very important role in shaping strategy, recommending policy, and it is one of the best insights we have into his judicial philosophy, his views, his legal reasoning. We want to know: Where does he stand on an issue such as the implicit right of privacy, on issues related to civil rights, on religious expression, on title IX, on affirmative action, and voting rights. And we want to know because the record before us now raises serious questions about his commitment to women's and civil rights. Prior to any vote, the American people

need to know where he stands on these issues. We, the Senators, need to know, too, so we can make an informed, rational decision.

The administration has refused to release these documents, even though they did so before. They did it when Mr. Bork was nominated, and they did it when William Rehnquist was nominated. This is particularly compelling since now the Roberts nomination has gone from a replacement of Justice Sandra Day O'Connor to replacing the Chief Justice. These documents matter because they represent the views from later in his career when he held his highest political appointment and was responsible for making policy recommendations. These documents will illuminate his beliefs and his approach to the law, and they will help this Senator and others to know where he stands on the important issues.

It is the constitutional duty of the Senate to conduct a thorough examination of the nominee, and we can only do it if we hear from the nominee himself through the confirmation processes, and have a complete record before us. We have his resume, he has received his rating from the American Bar Association, but we now need the documents on these 16 cases in order for us to do our homework and to do our due diligence. This is probably one of the most important votes I will ever take, along with my 99 colleagues. We need to know:

What type of Justice will John Roberts be?

Before the Senate left for its August break, I joined with six of my Democratic women colleagues to launch a website allowing Americans to have a voice in the confirmation process. The American people have a right to be part of the process and let the Senate know what they want Judge Roberts to answer. And we want them at the table. We want them to feel included and have the chance to participate. The Democratic women launched a Web site to allow them that opportunity. We remember how we were shut out during the judicial proceedings on Clarence Thomas. There were no women on the Judiciary Committee. Now there are. But we know what it is like not to have a seat at the table. We know what it is like not to be able to raise our questions. So we established this Web site so the public could ask about issues that impact them every day.

Guess what. Over the past month alone, 25,000 Americans responded to this Web site—with over 40,000 questions. They wanted to know where Judge Roberts stands on *Roe v. Wade*, privacy rights in light of national security challenges, the right to privacy, such as under the PATRIOT Act, what about so-called religious expression in schools, protecting our environment, protecting our civil rights, protecting our voting rights. And I am standing with them, because the record before us shows that Judge Roberts has ar-

gued against established constitutional protections against sex discrimination. He has argued that disparate treatment of men and women is reasonable when you don't have the resources to provide for both. He supported a very narrow interpretation of title IX. All arguments which the Supreme Court has squarely rejected.

Clearly, there are reasons people are troubled. Questions that Americans sent us were on the deepest and most heartfelt concerns of their families. A woman in Ohio wanted to ask Judge Roberts where he stands on women's equality. She said not just on choice and reproductive rights, but on wage equality, childcare options, glass ceilings. Where is he in the enforcement of equal opportunity and nondiscrimination.

A man from my home State of Maryland wanted to know did Judge Roberts support title IX. His niece played sports in high school and wanted to be sure that college sports teams would have resources and access to scholarships, as the guy teams do. A mother from Indiana wrote us. A single mom. In the 1950s, she was earning 60 cents for every dollar a man earned. She wanted to know where the judge stands on pay equity. These were the kinds of things they wanted to know. Quite frankly, I would like to know too. How Judge Roberts chooses to respond is his business. But whether we support the nominee based on those responses is our business and how the administration responds to our requests for documents is also our business.

That is why the White House must release those documents to the Senate. We want to have access to the documents relating to those 16 very important cases that were argued by the Solicitor General before the Supreme Court. These documents will help us evaluate the nominee and will enable us to make the kind of decision the American people want us to make.

As Judge Roberts begins his testimony and is asked about his past decisions, judicial philosophy and legal background, Americans will be watching. I urge the nominee to be forthcoming. He should not conceal his views on issues that the majority of Americans care about like reproductive choice, civil rights, congressional power, the environment and separation of church and state.

I also urge the White House to be forthcoming. They should not conceal documents that may illuminate those views. Judge Roberts' past career causes concern about his commitment to core constitutional principles and we need to have, and the American people deserve, a complete picture.

Mr. GREGG. Will the Senator yield for a question?

Ms. MIKULSKI. Yes.

Mr. GREGG. I ask if the Senator would allow me to propound a unanimous consent request so that I might speak at the conclusion of the speakers she has on her side.